

## WILKINSON, BARKER, KNAUER &amp; QUINN, LLP

Washington, DC  
Frankfurt, Germany2300 N Street, NW  
Washington, DC 20037-1128telephone: 202.783.4141  
facsimile: 202.783.5851

May 13, 1998

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: *Amendment of Parts 21 and 74 To Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees To Engage In Fixed Two-Way Transmissions -- MM Docket No. 97-217 and RM-9060: NOTICE OF EX PARTE COMMUNICATION*

Dear Ms. Salas:

Commencing on Friday, May 8, 1998 and continuing on Monday, May 11, 1998, Patrick McConnell of American Telecasting, Inc. (by telephone on May 8th), George Harter, III and Ed Nettleton of Hardin & Associates, Inc., S. Merrill Weiss of The Merrill Weiss Group and the undersigned met on behalf of the group of over 110 participants in the wireless cable industry that submitted the petition for rulemaking that commenced this proceeding (the "Petitioners") with Keith Larson, Assistant Chief (Engineering) of the Mass Media Bureau, and Joseph Johnson and Michael Jacobs of the Bureau's staff to discuss several of the issues raised by the *Notice of Proposed Rulemaking* ("NPRM") in this proceeding. The substance of the presentation, which emphasized the technical issues raised by the Petitioners' prior filings and the submissions by others in response, generally is set forth in the formal comments, reply comments and written *ex parte* filings previously submitted by the Petitioners in response to the *NPRM* and below.

More specifically, the participants in the meetings addressed the following issues in some detail:

- Amendment of the rules proposed in the *NPRM* to incorporate the Petitioners' suggestion that interference studies conducted in support of any application for a response station hub or booster station calculate undesired signal levels and power flux densities by accumulating all power generated by the primary station, response stations and booster stations applied for or licensed to the applicant.

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- Revisions to the proposed rules regarding out-of-band emissions to eliminate provisions initially proposed by the Petitioners that allowed certain discrete spurs, to incorporate the Next Level Systems, Inc. proposal for "chamfering the corners" of the mask initially proposed by the Petitioners, to clarify that attenuation generally is to be measured at frequencies relative to the channel edges, but that where multiple channels are being employed, measurements are to be made relative to the edges of the combined channels, and to generally avoid ambiguities inherent in the current rules.
- Elimination of the provisions initially proposed by the Petitioners requiring the specification of the minimum received signal level that can be utilized by a hub and requiring an applicant for a hub license to demonstrate that the hub can receive transmissions from the proposed response service area without interference.
- Expansion of the coordination distance for response station hub applicants *vis a vis* ITFS registered receive sites from 50 miles to 70 miles station-to-station.
- Increasing the level of specificity in the proposed rules as to the substance and format of information required to be filed with an application for a response station hub license (particularly information regarding the channel plan and the methodology employed for calculating potential interference), and the possible requirement that filings be made on computer diskettes in order to provide the Commission and interested parties improved access to relevant data. Also discussed was the possibility of requiring electronic filing at some future point.
- Adding a definition for "Response Station Hub License" to make clear that the authorization of a hub permits the operation of a single hub at a specific location and the simultaneous operation of a limited number of associated response stations at unspecified locations, making editorial revisions to the proposed rules to incorporate references to response station hub licenses, rather than authorizations, and eliminating the proposed rule providing for response hub authorizations to be treated like licenses for purposes of other rule sections.
- The acceptability to the Petitioners of limiting the power of response stations entitled to operate without a site-specific license to 2 watts and EIRP to 33 dBW/6 MHz, provided that the Commission does not foreclose the possibility of increasing the maximum power level for response stations operating under blanket licenses upon the submission of further data once operational experience is achieved. On a related topic, the benefits of clarifying that power limitations are specified for 6 MHz channels, and that adjustments must be made for superchannels and subchannels, was addressed.

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- The possibility that under the methodology proposed by the Petitioners for predicting interference by response stations, the grid system could result in skewed results if the height of a grid point AMSL were materially below the height of surrounding terrain. The Petitioners suggested that the issue could be addressed by allocating to the grid point the height AMSL of the highest point within the square surrounding the grid point.
- The possibility of revising the methodology for predicting interference from response stations employing CDMA to more accurately predict potential interference.
- The benefits of adding to the proposed rules specific provisions establishing the obligation of licensees of response station hubs and high-power booster stations to cure interference caused by block downconverter overload, and possible formulations of such a rule.
- Requiring licensees of facilities that were automatically authorized pursuant to streamlined applications procedures to cease operating if it is determined that the application was prepared in a manner that does not comport with generally acceptable good engineering and legal practices.
- The Petitioners' proposed revisions to the rules for protecting response station hubs, including the possible benefits of further revising the Petitioners' proposal to allow for consideration of response station hub antenna characteristics.
- Incorporation into the Commission's Rules of specific provisions authorizing the use of quadrature amplitude modulation, digital vestigial sideband modulation, quadrature phase shift key modulation and code division multiple access, subject to compliance with the policies set forth in the *Declaratory Ruling and Order*, 11 FCC Rcd 18839 (1996).
- Defining "sectorization" and clarifying that where a primary or booster utilizes a sectorized antenna system, the power limitations set forth in §21.904(b) of the Commission's Rules will apply to each sector.
- Revisions to the definitions of "Signal Booster Stations" and "Response Station Hubs" to make clear that the equipment utilized by a signal booster station can be shared with the equipment of a response station hub, alleviating the unfounded concern expressed by Spike Technologies, Inc. that collocation of boosters and hubs would be prohibited.
- Adding a definition for "Booster Service Area" to make clear that while designated booster service areas may not overlap for administrative purposes, a receiver for a booster may be located outside of its booster service area.

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- Requiring conformance to a uniform methodology, including a standard propagation model, when conducting interference analyses in support of an application.
- Possible problems associated with securing equipment authorization of response station transmitters that incorporate the transmitter and the antenna into a single unit.
- The possible redesignation of the 125 kHz channels at 2686-2690 MHz to simplify reference.

Please contact the undersigned should you have any questions regarding this *ex parte* presentation.

Respectfully submitted,



Paul J. Sinderbrand

Counsel to the Petitioners

cc: Keith Larson  
Joseph Johnson  
Michael Jacobs